

On January 27, 1930, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17386. Misbranding of Acotin. U. S. v. 29 Dozen Boxes, More or Less, of Acotin. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24529. I. S. No. 010758. S. No. 2822.)

On February 17, 1930, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 dozen boxes, more or less, of Acotin, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the J. R. Watkins Co., from Newark, N. J., in part on or about November 26, 1929, and in part on or about December 24, 1929, and transported from the State of New Jersey into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetphenetidin, acetylsalicylic acid, and starch.

It was alleged in the libel that the article was misbranded in that the declaration of acetphenetidin appearing on the label was not in a conspicuous place and the label bore no statement that acetphenetidin is a derivative of acetanilide nor was the amount of acetphenetidin in each tablet stated. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the box label and in the accompanying circular, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin box) "Helpful for * * * Rheumatism * * * Neuralgia * * * La Grippe, Influenza, Lumbago, Stiff Neck, Earache;" (circular) "Indicated for * * * Neuralgia * * * Influenza * * * Earache, Rheumatism, Stiff Neck * * * La Grippe, Lumbago."

On May 16, 1930, the J. R. Watkins Co., Winona, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department to conform to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17387. Misbranding of Emerson's Honduras sarsaparilla. U. S. v. 72 Bottles of Emerson's Honduras Sarsaparilla. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24636. I. S. No. 022624. S. No. 2979.)

On March 25, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 72 bottles of Emerson's Honduras sarsaparilla, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Emerson Medicine Co., Kansas City, Mo., on or about March 3, 1930, and transported from the State of Missouri into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, traces of salicylic acid, alkaloids, glucosides, and potassium iodide, alcohol and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels, and in the accompanying circulars and card, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatism. An excellent treatment for Lumbago, Inflammatory, Muscular and Sciatica Rheumatism. * * * Our Sarsaparilla. A Splendid Tonic for the system. * * * valuable in restoring and invigorating the whole system. Aids in the relief of run down conditions from Gastric Disturbances. Many nervous conditions. Muscular Rheumatism. * * * General Debility. A